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AND RELATED FEDERAL AND ITC LITIGATION



ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING
PARTS OF AN APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Inventor: MARYSE GIBERT ET AL
Serial No: 09/531,438
Filed: MARCH 20, 2000
For: CLOSTRIDIUM TOXIN, AND PROCESS FOR THE PREPARATION
OF IMMUNOGENIC COMPOSITION

SIR:

Attached hereto for filing are the following papers:

**RETURN COPY OF NOTICE TO FILE MISSING PARTS; FILING OF DECLARATION UNDER 37
CFR 1.53(f); DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
(EXECUTED; 3 PAGES); INFORMATION DISCLOSURE STATEMENT; FORM PTO 1449; CITED
REFERENCES (6); FRENCH AND INTERNATIONAL SEARCH REPORTS WITH ENGLISH
TRANSLATION OF CATEGORY OF CITED DOCUMENTS**

Our check in the amount of \$.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

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MAIER & NEUSTADT, P.C.

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Registration No. 24,618

Daniel J. Pereira, Ph.D.
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Docket No. 0660-0172-0 CONT



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FORMALITIES LETTER

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/531,438 | 03/20/2000 | Maryse Gibert | 0660-0172-0 CONT |

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Date Mailed: 06/01/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MARYSE GIBERT ET AL

SERIAL NUMBER: 09/531,438

ATTN: APPLICATION BRANCH

FILING DATE: MARCH 20, 2000

FOR: CLOSTRIDIUM TOXIN, AND PROCESS FOR THE PREPARATION OF IMMUNOGENIC COMPOSITION

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



SIR:

Responsive to the notification dated JUNE 1, 2000, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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Attorney of Record
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Daniel J. Pereira, Ph.D.
Registration No. 45,518



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